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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,102	05/20/1999	DAVID W. STEBBINGS	104706.111	6029

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EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/315,102

Applicant(s)

STEBBINGS, DAVID W.

Examiner

Aravind K. Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 14, 15, 25-29 and 43-52 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 16-24 and 30-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the request for continued examination (RCE) filed on 12 October 2005.
2. Claims 1-52 are pending in the application.
3. Claims 1-10,12,13,16-24 and 30-42 have been rejected.
4. Claims 11, 14, 15, 25-29 and 43-52 have been allowed.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 October 2005 has been entered.

Response to Arguments

6. Applicant's arguments with respect to claims 1-10,12,13,16-24 and 30-42 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

7. Claims 1-9, 12, 13, 16-23, 30-36 and 38-42 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-9, 12, 13 and 32-37 of U.S. Patent No. 6,636,689 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because both patents are detecting the modulation.
8. Claims 10, 24 and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10, 24 and 37 of U.S. Patent No. 6,636,689 B1 in view of Hogan U.S. Patent No. 5,828,754.

As to claims 10, 24 and 37, Stebbings does not teach that the comparing step further comprises the step of comparing the at least one modified modulation rule comprising the at least one authentication key or component thereof, to at least one lookup table of valid modified modulation rule output values comprising the at least one authentication key or component thereof.

Hogan teaches a lookup table that contains modified modulation rules and authentication keys [column 5, lines 24-58].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Stebbings so that the modified modulation rules and the authentication keys were contained in the lookup table.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Stebbings by the teaching of Hogan because the tables can be used for examining all possible alternatives to determine the best choices for minimizing DSV [column 5 line 64 to column 6 line 25].

Allowable Subject Matter

9. Claims 11, 14, 15, 25-29 and 43-52 are allowed.

As to claim 11, Stebbings teaches a method for authenticating at least one of a media and data stored on the media, in order to prevent at least one of piracy, unauthorized access and unauthorized copying of the data stored on the media. Stebbings teaches a data disc comprising media containing at least one modified modulation rule comprising at least one authentication key or component thereof for authenticating at least one of the media and the data, all discussed above.

Neither Stebbings nor prior art teaches that the at least one of the media and the data may be outputted in at least one of an analog and audio form substantially error free and free of the at least one modified modulation rule by at least one of an error removal process and the at least one authentication key or component thereof. Neither Stebbings nor prior art teaches allowing a user to experience the media without experiencing the modulation rules removed therefrom via the error removal process.

As to claims 14 and 15, prior art does not disclose or fairly teach a system for authenticating at least one of a media and data stored on the media, in order to prevent at least one of piracy, unauthorized access and unauthorized copying of the data stored on the media, as discussed above. Prior art does not disclose or fairly teach that the data stored on the media is modulated via at least one modified modulation rule to generate at least one authentication key or component thereof for authenticating at least one of the media and the data, as discussed above. Prior art does not disclose or fairly teach that the at least one of the media and the data may be outputted in an analog and/or audio form substantially error free and free of the at least one modified modulation rule by at least one of an error removal process and the at least one authentication key or component thereof, as discussed above. Prior art does not disclose or fairly teach a focus servo, tracking servo, laser, lens and mirror, together comprising a portion of a disc reader housed in a data player device.

Any claim not directly addressed is allowed due to the virtue of dependency.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy *AM*
November 22, 2005


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100